

JUL-14-06 09:41

FROM-BEUSSE WOLTER ET AL

4079267720

T-613 P.01/08 F-468

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TO : REFUNDS  
COMPANY : USPTO/Commissioner for Patents  
FAX No. : 1-571-273-6500  
No of PAGES : 8(including cover sheet)  
FROM : Joseph Fischer  
DATE : July 14, 2006  
RE : Serial Number 09/981,685  
ATTY. DOCKET NO: 10524-003

### VIA FACSIMILE ONLY

#### 3<sup>RD</sup> TRANSMISSION

Please see attached Request for Refund as previously forwarded to you via facsimile on March 17, 2005 and again on May 3, 2006.

Your prompt attention is requested.

Sincerely,

Kathy Tissue  
*Legal Assistant to Joseph Fischer*

07/25/2006 RCLEMONS 00000004 09981685

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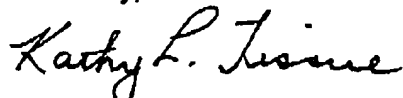
TO : MAIL STOP 16  
COMPANY : USPTO  
FAX No. : 703-872-9306  
No of PAGES : 3 (including cover sheet)  
FROM : Joseph Fischer, Reg. No. 51,210  
DATE : March 17, 2005  
RE : Serial No.: 09/981,685  
ATTY. DOCKET NO: 10524-003

**VIA FACSIMILE ONLY**

Attached, please find the following for your consideration:

Request for Refund Based on Later Establishment of Small Entity Status, In accordance with and Under 37 CFR 1.26, 1.27 and 1.28.

Yours truly,



Kathy Tissue  
Legal Assistant to Joe Fischer

Certificate of Transmission

I hereby certify that this correspondence is being  
facsimile transmitted to the United States Patent and  
Trademark Office, Fax No. 703-872-9306  
on March 17, 2005.

Kathy L. Tissue  
Kathy L. Tissue

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Frank L. Graham, et al.  
Examiner : Vogel, Nancy S.  
Art Unit : 1636  
Docket No. : 10524-003  
Serial No. : 09/981,685  
Filed : October 17, 2001  
For : ADENOVIRUSES FOR CONTROL OF GENE EXPRESSION

Mail Stop 16  
Director of the U.S. Patent  
And Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

REQUEST FOR REFUND BASED ON LATER ESTABLISHMENT OF SMALL ENTITY  
STATUS, IN ACCORDANCE WITH AND UNDER 37 CFR 1.26, 1.27 AND 1.28

In accordance with and under 37 CFR 1.27(c), Applicant's Attorney hereby attests to the fact that the Applicant is a small business concern that is a small entity, and is therefore entitled to small entity status. Accordingly, the captioned application, U.S. Serial No. 09/981,685, is entitled to small entity status, and as such, is further entitled to reduced patent fees pursuant to 35 USC 41(h).

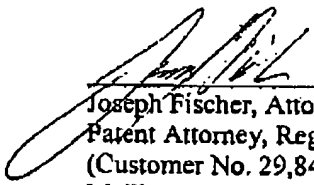
On January 4, 2005, Applicant inadvertently paid the Issue Fee as a large entity. Accordingly, in accordance with and under 37 CFR 1.28(a), Applicant hereby requests a refund in the amount of the difference between what was paid and what was properly due as a small entity on January 4, 2005. Applicant believes the difference due for refund is \$700.00.

This request for refund is being requested within the three-month period as defined under 37 CFR 1.28(b)(1).

It is believed that all requirements for this request for refund under 37 CFR 1.28 are met by this communication. If there is any deficiency in this request, or if any questions arise or any clarification is needed, a call to the undersigned within the three-month period is respectfully requested.

Docket No: 10524-003  
Application Serial No. 09/981,685

Respectfully submitted,

 3/17/2005  
Joseph Fischer, Attorney for Applicant  
Patent Attorney, Registration No. 51,210  
(Customer No. 29,847)

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JUL-14-06 09:42

FROM-BEUSSE WOLTER ET AL

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T-613 P.05/08 F-468

MEMORY TRANSMISSION REPORT

TIME : MAR-17-05 11:09  
TEL NUMBER: 4079267720  
NAME : BEUSSE BROWNLEE ET AL

FILE NUMBER : 497  
DATE : MAR-17 11:08  
TO : 917038729306  
DOCUMENT PAGES : 03  
START TIME : MAR-17 11:08  
END TIME : MAR-17 11:08  
SENT PAGES : 03  
FILE NUMBER : 497

\*\*\* SUCCESSFUL TX NOTICE \*\*\*

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TO : MAIL STOP 16  
COMPANY : USPTO  
FAX NO. : 703-872-8308  
NO OF PAGES : 3 (including cover sheet)  
FROM : Joseph Fischer, Reg. No. 51,210  
DATE : March 17, 2005  
RE : Serial No.: 09/081,683  
ATTY. DOCKET NO.: 10024-003

VIA FACSIMILE ONLY

Attached, please find the following for your consideration:

Request for Refund Based on Later Establishment of Small Entity Status. In accordance with and Under 37 CFR 1.26, 1.27 and 1.28.

Yours truly,

*Kathy L. Tissue*

Kathy Tissue  
Legal Assistant to Joe Fischer

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 4079267720

Fax Information

Date Received:

3/17/2005 11:08:51 AM [Eastern Standard Time]

Total Pages:

3 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
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JUL-17-06 11:08 FROM-BEUSSE WOLTER ET AL 4079267720 T-613 P.06/08 F-468	
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TO COMPANY : M.A.D. STOP 16 COMPANY : USPTO FAX No. : 703-672-0706 No of PAGES : 3 (including cover sheet) FROM : Joseph Fischer, Reg. No. 31,210 DATE : March 17, 2005 RE : Serial No. 09/281,003 ATTY DOCKET NO. : 1052-003	
<b>VIA FACSIMILE ONLY</b>	
Attached, please find the following for your consideration: Request for Reexamination Based on Later Establishment of Small Entity Status, in accordance with 37 CFR (35, 1.27 and 1.28	
Yours truly,  Kathy Laine Legal Assistant to Joe Fischer	
PAGE 10 * RCVD AT 3/17/2005 11:08:51 AM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/18 * DNIS:2736500 * CSID:4079267720 * DURATION (mm:ss):02:16	

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TO : REFUNDS  
COMPANY : USPTO/Commissioner for Patents  
FAX No. : 1-571-273-6500  
No of PAGES : 6 (including cover sheet)  
FROM : Joseph Fischer  
DATE : May 3, 2006  
RE : Serial Number 09/981,685  
ATTY. DOCKET NO: 10624-003

**VIA FACSIMILE ONLY**

Please see attached Request for Refund as previously forwarded to you via facsimile on March 17, 2005.

Your prompt attention is requested.

Sincerely,

Kathy Tissue

*Legal Assistant to Joseph Fischer*